

From: Wester, Barbara
Sent: Friday, November 01, 2013 2:02 PM
To: Gawlinski, Denise; Olson, Erik; Kuefler, Patrick
Cc: Pierard, Kevin; Colletti, John; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

denise – this is good to go, barbara

From: Gawlinski, Denise
Sent: Friday, November 01, 2013 1:04 PM
To: Olson, Erik; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Colletti, John; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

Ok, thanks.

Denise Gawlinski Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859

From: Olson, Erik
Sent: Friday, November 01, 2013 1:04 PM
To: Gawlinski, Denise; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Colletti, John; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

Denise,

Unless Barbara has comments, this is good to go. I reviewed and provided comments on Pat's addition prior to his forwarding it to you.

Thanks, Erik

Erik H. Olson
Associate Regional Counsel
U.S. Environmental Protection Agency - Region V
77 West Jackson Boulevard, C-14J
Chicago, Illinois 60604
office: (312)886-6829
fax: (312)697-2020
olson.erik@epa.gov

From: Gawlinski, Denise
Sent: Friday, November 01, 2013 1:01 PM
To: Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Colletti, John; Olson, Erik; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

Thanks, Pat. I'll wait until the end of the day to send our response in case ORC has any additional input.

Denise

Denise Gawlinski Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859

From: Kuefler, Patrick
Sent: Friday, November 01, 2013 12:59 PM
To: Gawlinski, Denise
Cc: Pierard, Kevin; Wester, Barbara; Colletti, John; Olson, Erik; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

Denise – I have added the NPDES response.

The requested reports are attached. Regarding certified operator status, the tribe made two attempts to fill the operator vacancy but applicants were not qualified. As a result, EPA requested that the tribe submit a plan to address the training and certification requirements. The tribe now plans to meet training and certification requirements by providing its own staff with training in each of the certification areas. This process is underway, and tribal staff are now certified in wastewater, and will be testing for sludge and phosphorus removal this month. In addition, the tribe will have 1 year of on-site contract wastewater training and support for their operators. Regarding the permit, EPA is in the process of reviewing the comments received during the public comment period and public hearing. EPA intends to reissue the permit upon completion of that review, as long as we received no new information during the comment period that suggests the conditions of the permits, if followed, will not result in compliance with water quality standards.

From: Maraldo, Dean
Sent: Friday, November 01, 2013 11:35 AM
To: Colletti, John; Olson, Erik; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Gawlinski, Denise
Subject: RE: Rep. Duffy inquiry on Bad River

John/Erik/Pat: Barbara and I prepared a draft enforcement response, with attached reports requested by Duffy. Just need NPDES response and it should be good to go. Please add your response and send to Denise.

The requested reports are attached. Regarding certified operator status, the tribe made two attempts to fill the operator vacancy but applicants were not qualified. As a result, EPA requested that the tribe submit a plan to address the training and certification requirements. The tribe now plans to meet training and certification requirements by providing its own staff with training in each of the certification areas. This process is underway, and tribal staff are now certified in wastewater, and will be testing for

sludge and phosphorus removal this month. In addition, the tribe will have 1 year of on-site contract wastewater training and support for their operators.

[NPDES/ORC: Fill in response to permit question]

From: Gawlinski, Denise
Sent: Wednesday, October 30, 2013 4:02 PM
To: Colletti, John; Olson, Erik; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

Ok, understood. Can someone revise the response that I can share? (Still flying solo up here and it's hoppin'.) Thanks!

Denise Gawlinski Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859

From: Colletti, John
Sent: Wednesday, October 30, 2013 3:48 PM
To: Olson, Erik; Gawlinski, Denise; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara; Maraldo, Dean
Subject: RE: Rep. Duffy inquiry on Bad River

I agree with EriK regarding the progress reports and his statement regarding the permits. The reports would have been sent to Dean Maraldo and Barbara.

Also, for your information, the permits are with Tinka to be signed. I do not know when she will get to them.

John

From: Olson, Erik
Sent: Wednesday, October 30, 2013 3:13 PM
To: Gawlinski, Denise; Colletti, John; Kuefler, Patrick
Cc: Pierard, Kevin; Wester, Barbara
Subject: RE: Rep. Duffy inquiry on Bad River

Hi Denise,

I'm not comfortable commenting with regard to the progress reports, which I believe were required under the compliance order, because Barbara Wester is advising the program about the enforcement side of this matter. I am ccing Barbara on this response.

While I defer to John and Pat, with regard to the permits, I would be comfortable stating that we do not plan on waiting to issue the final permits because we received no new information during the comment period that suggests the conditions of the permits, if followed, will not result in compliance with water quality standards, and that in fact, the new permits include more stringent conditions for the facilities. We might also note that the final permit decisions are subject to the appeal process at 40 C.F.R. sec. 124.19.

Erik H. Olson
Associate Regional Counsel
U.S. Environmental Protection Agency - Region V
77 West Jackson Boulevard, C-14J
Chicago, Illinois 60604
office: (312)886-6829
fax: (312)697-2020
olson.erik@epa.gov

From: Gawlinski, Denise
Sent: Wednesday, October 30, 2013 2:30 PM
To: Colletti, John; Kuefler, Patrick; Olson, Erik
Cc: Pierard, Kevin
Subject: Rep. Duffy inquiry on Bad River

Hi:

Will you please advise on a response to the inquiry below from Rep. Duffy's staff?

"Can you send along the progress reports for the Bad River WWTP upgrades that were required by August 15th and August 30th ? Additionally, could you send the name of the Certified Operator that the Tribe has hired or contracted with? And does the EPA plan to hold off on issues a NPDES permit until after the Final Compliance Status Report is submitted, no later than February 28th, 2014?"

Thanks,
Denise

Denise Gawlinski Fortin
Congressional Liaison
Office of Regional Administrator
U.S. Environmental Protection Agency
312-886-9859